

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

Brit F. Augborne, III,

Plaintiff,

v.

Supreme Court of Nevada,

Defendant.

Case No. 2:19-cv-01195-GMN-BNW

**ORDER**

The Court is in receipt of Nevada state-prison inmate Brit F. Augborne's objection (ECF No. 8) to the undersigned's report and recommendation (ECF No. 7) that the case be dismissed without prejudice for failure to pay the filing fee or file a complete application to proceed in forma pauperis. Considering the objection and the fact that Mr. Augborne filed a new application to proceed in forma pauperis (ECF No. 9) on February 21, 2020, the Court will vacate the report and recommendation (ECF No. 7).

However, Plaintiff's new application is still not in compliance with the Court's instructions (ECF No. 3). As previously explained, under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an incarcerated plaintiff seeking to proceed without paying the filing fee must complete an application to proceed in forma pauperis and attach (1) an inmate account statement for the past six months, and (2) a financial certificate from the institution where he is incarcerated certifying the amount of funds in plaintiff's inmate trust account at the institution. If the plaintiff has been incarcerated at the institution for fewer than six months, the certificate must show the account's activity for the shortened period. LSR 1-2.

1 Here, Plaintiff's in forma pauperis application is incomplete, as he did not submit an  
2 inmate account statement for the past six months. The Court, therefore, will deny Plaintiff's  
3 application without prejudice. Plaintiff must properly complete his in forma pauperis application  
4 or pay the full filing fee for this action. If Plaintiff chooses to file another application, he must file  
5 a complete application including *all* the documents referenced in this Order.

6 **IT IS ORDERED** that the report and recommendation (ECF No. 7) is VACATED.


7 **IT IS FURTHER ORDERED** that the Clerk of Court must send Plaintiff a blank  
8 application to proceed in forma pauperis by an inmate, as well as the accompanying instruction  
9 packet.

10 **IT IS FURTHER ORDERED** that by February 16, 2021, Plaintiff must either: (1) file a  
11 complete application to proceed in forma pauperis, on the correct form with complete financial  
12 attachments, or (2) pay the full \$402 fee for filing a civil action, which includes the \$350 filing  
13 fee and the \$52 administrative fee.

14 **IT IS FURTHER ORDERED** that failure to timely comply with this order may result in  
15 a recommendation that this case be dismissed.

16 **IT IS FURTHER ORDERED** that Plaintiff's Application to Proceed In Forma Pauperis  
17 (ECF No. 9) is DENIED without prejudice.

18 DATED: January 20, 2021.

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20 BRENDA WEKSLER  
21 UNITED STATES MAGISTRATE JUDGE  
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